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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.386 OF 2007

Kisan Veer Satara Sahakari Sakhar Karkhana Ltd. ... Petitioner

Vs.

The State of Maharashtra. ... Respondent

Mr. A.G. Sabnis, senior counsel i/b. Mr. V.S. Kapse with Mr. A.J. Kenjale for the petitioner.

Mr. S.R. Borulkar, Public Prosecutor for the State.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 20TH MARCH, 2007.

P.C.:-

1. We have heard Mr. Sabnis, the learned senior counsel appearing for the petitioner and Mr. Borulkar, the learned public prosecutor for the State.

2. The petitioner is seeking transfer of investigation to CBI or Pune State Investigating Agency-CID. Prayer (a) reads thus :

> "(a) direct Respondent, the State of Maharashtra to appoint any other investigating agency such as CBI or Pune State Investigating Agency-CID."

3. The complaint is dated 26/10/1999. First charge-sheet is filed on 20/4/2000. We are informed that after filing of the first charge-sheet, at the instance of the State Government, the investigation was transferred to State-CID. Second charge-sheet was filed on 27/7/2004. The present petition is filed belatedly on 12/2/2007 seeking the abovementioned prayer. In our opinion, such a belated petition cannot be entertained. Apart from that, as already noted by us, the State of Maharashtra has already transferred the investigation to the State CID. The alternative prayer of the petitioner is already granted. Hence, the petition does not survive and is disposed of as such. The petitioner may, if he so desires, approach the trial court for such appropriate relief as may be available to him, in law.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]